



**US Army Corps
of Engineers**

Sacramento District

1325 J Street

Sacramento, CA 95814-2922

Public Notice

Number: 200000038

Date: June 24, 2005

Comments Due: July 25, 2005

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Sugar Barge dry storage facility project, which would result in the loss of approximately 0.68 acres of waters of the United States, including wetlands, adjacent to the Piper Slough. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

AUTHORITY: This application is being evaluated under Section 10 of the Rivers and Harbors Act of 1899 for structures or work in or affecting navigable waters of the United States and/or Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: David Riggs, Riggs Enterprises, Inc., P.O. Box 1440, Bethel Island, California 94511

LOCATION: The project site is located on Bethel Island, in Township 2 North, Range 3 East, MDB&M, Contra Costa County, California, and can be seen on the Bouldin Island USGS Topographic Quadrangle.

PROJECT DESCRIPTION: To develop additional dry storage facilities for boats and other recreational vehicles in the vicinity of Sugar Barge resort and marina. The proposed self-service storage facility, includes the construction of 19 new metal storage buildings, an associated outdoor storage/parking area and access from Sugar Barge Road through two gates. Fifteen of the buildings will be 160 feet by 60 feet and the remaining four buildings will be 120 feet by 60 feet.

ADDITIONAL INFORMATION:

Environmental Setting. The proposed project site is a 38-acre vacant parcel consisting of former agricultural land. There are a total of 15.30 acres of waters of the United States including 14.60 acres of seasonal wetlands and 0.70 acre of channels on the proposed project site. Elevations on the site range from approximately minus 3.5 feet to 13.0 feet below sea level. Large lower-lying interconnected seasonal wetland areas occupy a substantial portion of the northern and western portions of the site. Project development will be confined to approximately 17 acres at the southern end of the parcel. This area consists primarily of uplands dominated by a mix of non-native annual grasses and forbs. Two seasonal wetlands dominated by seaside heliotrope (*Heliotropium curassavicum*) and torrey seepweed (*Suaeda torreyana*) totalling approximately 0.68 acres are proposed to be permanently filled as a result of project development.

Alternatives. The applicant has provided information concerning four alternative on-site designs which avoid or reduce impacts to the wetlands on the site by reducing the number of storage structures or the amount of outdoor storage or parking space. No off-site alternatives were identified. Additional information concerning project alternatives may be available from the applicant or their agent.

Mitigation. The proposed project has been designed to avoid impacts to 14.62 acres of waters of the United States on the project site. The project will fill 0.68 acre of seasonal wetland. The applicant is proposing to mitigate for this loss by purchasing 0.68 acre of wetland habitat credits at a Corps approved wetland mitigation bank in the Delta region.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water Quality Certification, as required under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board is required for this project. The applicant is submitting an application for Water Quality Certification to the California Regional Water Quality Control Board concurrently.

HISTORIC PROPERTIES: Based on the available information (including applicant's November 6, 2002, report titled *A Cultural resources study of the Proposed Facilities Expansion Area, Sugar Barge Property Bethel Island, Contra Costa County, California*), there are no cultural resources within the project's area of potential effect. The cultural resources study consists of a records search at the Northwest Information Center of the California Historical Resources Information System, literature review, Native American consultation, Historical Society consultation, and a field survey. No cultural resources were identified within the project site as a result of the background search and field surveys in March and April of 2002.

ENDANGERED SPECIES: The project will not affect any Federally-listed threatened or endangered species or critical habitat subject to the requirements of the Endangered Species Act.

ESSENTIAL FISH HABITAT: The proposed project will not adversely affect Essential Fish Habitat (EFH) as defined in the Magnuson-Stevens Fishery Conservation and Management Act.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 200000038, must be submitted to the office listed below on or before July 25, 2005:

William Guthrie, Project Manager
US Army Corps of Engineers, Sacramento District
Delta Office
1325 J Street, Room 1480
Sacramento, California 95814-2922
Email: William.H.Guthrie@usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager William Guthrie, 916-557-5269, William.H.Guthrie@usace.army.mil.

Attachments: 4 drawings